

City Council Agenda

Council President
Jerry Duncan

**Tom Boyajian
Brian Calhoun
Mike Dages**

Councilmembers

**Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund**

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

JANUARY 10, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Selection of Council President and Acting Council President

Action Taken:

Selection of Redevelopment Agency Chair and Acting Chair

Action Taken:

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Council President Duncan

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of December 20, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. * Award a requirements contract to Proforce Law Enforcement of Brea, California, for Beretta Vertec handguns – Police Dept.
Action Taken:
- B. * Authorize the Chief of Police to enter into a revised Memorandum of Understanding (MOU) Agreement with Wellness Solutions, Inc., a Health Promotion Company, regarding a department fitness program – Police Dept.
Action Taken:
- C. * **RESOLUTION** – Authorizing acceptance of the Project Safe Neighborhoods Violent Crime Impact Team (PSN/VCIT) Grant Program of \$50,000 and execution of program documents - Police Dept.
Action Taken:
1. * **RESOLUTION** – 49th amendment to AAR No. 2005-286 appropriating \$50,000 to fund overtime gang enforcement operations for the Project Safe Neighborhoods Grant Program **(Requires 5 affirmative votes)**
Action Taken:
- D. * Approve the acquisition of street easements from properties at the southeast corner of Belmont and Clovis Avenues, northwest corner of Clovis and Olive Avenues, and at 210 S. Clovis Avenue and authorize the Public Works Director to accept deeds and execute the documents to complete acquisition – Public Works Dept.
Action Taken:
- E. **RESOLUTION** – Approving the Final Map of Tract No. 5368 and accepting dedicated public uses therein and authorize the Public Works Director and Planning and Development Director to execute the necessary documents – Planning and Development Department
Action Taken:
- F. **RESOLUTION** - Of intention to annex Final Tract No. 5517 to the City of Fresno Community Facilities District No. 2, Annexation No. 112 – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- G. Approve reappointments of Reverend Edward Swillis to the Economic Opportunities Commission and William Wilder to the Consolidated Mosquito Abatement District – Mayor’s Office
Action Taken:
- H. * **RESOLUTION** - Granting an extension of the non-exclusive cable television franchise held by Comcast of Fresno, Inc. – Information Services Dept.
Action Taken:
- I. * Award a requirements contract for landscape maintenance for Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) – Dept. of Public Utilities
Action Taken:
- J. * **RESOLUTION** - 51st amendment to AAR No. 2005-286 appropriating \$3,534,900 for various previously approved fire capital projects **(Requires 5 affirmative votes)** – Fire Dept.
Action Taken:
- K. * **RESOLUTION** - 52nd amendment to AAR No. 2005-286 appropriating \$244,000 for the re-classification of the Metropolitan Medical Response System (MMRS) contract **(Requires 5 affirmative votes)** – Fire Dept.
Action Taken:
- L. * Authorize the lease/purchase of three (3) vehicles for the hydrant inspection and maintenance program staff through the City’s Master Lease Agreement – Fire Dept.
Action Taken:
- M. * **RESOLUTION** - 437th amendment to MFS Resolution No. 80-420 to revise green fees at Riverside Municipal Golf Course – PR&CS
Action Taken:
- N. * **RESOLUTION** - 17th amendment to PAR No. 2005-287 converting five (5) vacant permanent/intermittent positions to three (3) full-time positions that will be used by PRCS for: expanded senior programming, national accreditation efforts, grant management, project management support for the new park impact fees, and additional analytical support related to all Department program areas – PR&CS
Action Taken:
- O. **RESOLUTION** – Of intention to annex Final Tract No. 5356 to the City of Fresno Community Facilities District No. 2, Annexation No. 111 – Public Works Dept.
Action Taken:
- P. * Approve the agreement between the City of Fresno and Townsend Public Affairs, Inc. to provide state lobbying and advocacy services in Sacramento – City Manager’s Office
Action Taken:
- Q. * **RESOLUTION** – 54th amendment to AAR No. 2005-286 appropriating \$30,000 to the Fire Department to purchase furniture for various fire stations **(Requires 5 affirmative votes)** – Finance Dept./Budget
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. **RESOLUTION** - Rescinding Resolution 2005-522 and re-approving the issuance of revenue refunding bonds by the California Statewide Communities Development Authority (CSCDA) in the aggregate principal amount not to exceed \$120 million to benefit American Baptist Homes of the West - Finance Department
Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

- B. Annual review and acceptance of the fiscal year 2005 Impact Fee Annual Report as required by California Government Code – Public Works Dept.
Action Taken:
- C. * Adopt the Side Letter of Agreement between the City of Fresno (City) and the Amalgamated Transit Union, Local #1027 (Bus Drivers – Unit 6), regarding certain Handy Ride Program Drivers– Personnel Services Dept.
Action Taken:
- D. * Consider approval of Contract Change Order No. 5 for the “No Neighborhood Left Behind” (NNLB) Plan and construct neighborhood infrastructure, Contract 2 – Public Works Dept.
Action Taken:

3. **CITY COUNCIL**

- A. Request staff provide Council with recommendation for health-related smoking cessation policy – Councilmember Calhoun
Action Taken:
- B. Discuss and consider funding for the Geo-Based Tree Trimming Program – Councilmember Westerlund
1. * **RESOLUTION** – 53rd amendment to AAR No. 2005-286 appropriating \$200,000 to restore and provide additional funding to further Public Works Dept. Geo-Based Tree Trimming Program for the current fiscal year **(Requires 5 affirmative votes)**
Action Taken:
 2. * **RESOLUTION** - 55th amendment to AAR No. 2005-286 appropriating \$148,400 to restore funding to further Public Works Department Geo-Based Tree Trimming Program for the current fiscal year **(Requires 5 affirmative votes)**
Action Taken:
- C. * Adopt a new standard and specification requiring all sidewalks be a minimum of six (6) feet wide for construction of new development on major streets – Councilmember Westerlund
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION** – Appearance by William R. Milton, Sr. to request information regarding the safety of the public and firefighters
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.
- 9:30 A.M. * Consideration of approval of an agreement between City of Fresno and H&R Block for Outreach Program to assist low and moderate income residents with tax form preparation – Acting President Perea
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. **CONTINUED HEARING** to consider the vacation of a portion of West Avenue north of Herndon Avenue – R.I. No. 1048-D - Public Works Dept.

Action Taken:

a. * **RESOLUTION** – Ordering the vacation of a portion of West Avenue north of Herndon Avenue

Action Taken:

10:10 A.M. **CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 105, Tract No. 5414 – Public Works Dept.

Action Taken:

a. **RESOLUTION** - Of formation to establish Community Facilities District No. 2 and to authorize levy of a special tax

Action Taken:

b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

c. **RESOLUTION** - Declaring election results

Action Taken:

d. * **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 105, Tract No. 5414

Action Taken:

10:15 A.M. Discussion and approval of outlined recommendation regarding the utilization of fire sprinklers –Fire Dept.

Action Taken:

10:45 A.M. **HEARING** to consider updating water fees for the Urban Growth Management (UGM) 501s area and making necessary findings to impose fee update on approved development entitlements including vesting tentative maps – Dept. of Public Utilities

Action Taken:

a. **RESOLUTION** – Establishing the findings pursuant to the California Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273(a)(4) regarding statutory exemption for fee update

Action Taken:

b. * **RESOLUTION** - 438th amendment to MFS Resolution No. 80-420 to revise related Urban Growth Management (UGM) 501S water service area fees under the Public Utilities Department Section

Action Taken:

b. **RESOLUTION** - Establishing the findings pursuant to the California Government Code Section 65961 and 66498.(C)1

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Medical Advocates for Healthy Air, et al. v. City of Fresno, et al. (Fancher Creek Properties, et al., Real Parties in Interest)

2. **Case Name:** Caltrans v. City of Fresno (Spalding Wathen, Real Party in Interest); Fresno Superior Court Case No. SC 04CECG03559

3. **Case Name:** Barbara Chookasezian, et al. v. City of Fresno

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 **CLOSED SESSION CONTINUED**

B. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6 (Council President Duncan)

City Negotiator(s): Kenneth Phillips

Employee Organization(s):

1. Fresno Police Officers Association (FPOA Management Unit)

Action Taken:

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Construction Development Systems v. City of Fresno

Action Taken:

2:00 P.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

3:00 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of December 6, 2005

Action Taken:

A. HEARING - Consider authorizing the Executive Director to execute the Purchase and Sales Agreement for the purchase of 2.52 acres located at the northeast corner of Chestnut and Shields Avenue for addition to the Fresno-Yosemite International Airport within the Airport Area Revitalization Redevelopment Project Area

Action Taken:

1. * **RESOLUTION** – Approving a Purchase and Sales Agreement between the Redevelopment Agency of the City of Fresno and Blue Canary, Inc., and transfer title to the property to the City of Fresno and making certain findings **(Council and Agency action)**

Action Taken:

B. Approve a Purchase and Sales Agreement for the vacant properties known as Assessor Parcel Numbers (APN's) 468-234-13 & 23; owned by Bradley V. Barisic, Barrington J. Barisic; Frank M. Voorhees and Margaret I. Voorhees, as Trustees; and Charles Eugene Voorhees and Naomi Ruth Allen Voorhees, as Trustees, within the South Van Ness Industrial Redevelopment Project Area **(Agency action)**

Action Taken:

C. Request update on the status of the Chinatown Project – Councilmember Dages

Action Taken:

D. Recommendation to the Redevelopment Agency of the City Of Fresno to:

1. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law and authorizing the installation of public improvements within the Southeast Fresno Revitalization Redevelopment Project Area for the street light installation improvements at Kings Canyon Road from Maple to Willow Avenues **(Council and Agency action)**

Action Taken:

2. Award a contract to Crown Contracting Company, Inc. of Clovis for Kings Canyon Maple to Willow street light installation along part of Kings Canyon Boulevard in the Southeast Fresno Revitalization Redevelopment Project Area **(Agency action)**

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 3:30 P.M. WORKSHOP** on video policing – Council President Duncan
- 4:00 P.M. CONTINUED DELIBERATIONS ONLY (Public testimony closed)** - To consider Rezone Application No. R-05-43, appeal of Vesting Tentative Tract Map No. 5456/UGM, and environmental findings, filed by Provost and Pritchard Engineering on behalf of Laguna Lakeside, LLC, pertaining to 51.4 acres of property located on the northeast corner of W. Madison and S. Valentine Avenues **(Property located in District 3)**
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-05-43/T-5456, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **RESOLUTION** – Deny appeal and approve Vesting Tentative Tract Map No. 5456/UGM which has been revised to propose subdividing the property into 210 single family residential lots subdivision and a 0.84-acre outlot for open space purposes (rather than a 214-lot single family residential subdivision with no outlot for open space purposes as originally proposed) and a 4.25 acre remainder parcel
Action Taken:
 - c. **RESOLUTION** – Uphold the appeal and deny Vesting Tentative Tract Map No. 5456/UGM
Action Taken:
 - d. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:
- 5:30 P.M. HEARING** – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources **(Property located in District 2)** – Planning and Development Dept.
Action Taken:
- a. * **RESOLUTION** - Designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue (Pinedale Assembly Center Site/State Historical Landmark No. 934, Camp Pinedale) to the Local Register of Historic Resources
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Jan | 17 - | NO MEETING – MARTIN LUTHER KING DAY | |
| Jan. | 24 - | 8:30 A.M. | Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer) |
| Jan. | 24 - | 10:00 A.M.#1 | HEARING re: Community Facilities District No. 2, Annexation No. 106, Tract No. 5285 |
| Jan. | 24 - | 10:00 A.M.#2 | HEARING re: Community Facilities District No. 2, Annexation No. 109, Tract No. 5343 |
| Jan. | 24 - | 10:00 A.M.#3 | HEARING re: Community Facilities District No. 2, Annexation No. 104, Tract No. 5171 |
| Jan. | 24 - | 10:15 A.M. | Bird Flu/Pandemic issue – Fire Dept. |
| Jan. | 24 - | 2:45 P.M. | Discussion to set forth alternatives for addressing dangerous dogs |
| Jan. | 24 - | 3:30 P.M. | Review and discuss the Annual General Plan status report – Planning and Development Dept. |
| Jan. | 24 - | 3:45 P.M. | CONTINUED HEARING to consider Plan Amendment Application No. A-04-01, Rezone Application No. R-04-03, and environmental findings by State Center Community College District and Clovis Unified School District, pertaining to approximately 214 acres of property located north and south of the E. International Avenue alignment between N. Willow and N. Chestnut Avenues |

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Jan.	31 -	10:15 A.M.#1	HEARING re: Community Facilities District No. 11, Annexation No. 2, Tract No. 5316
Jan.	31 -	10:15 A.M.#2	HEARING re: Community Facilities District No. 11, Annexation No. 3, Tract No. 5352
Jan.	31 -	10:15 A.M.#3	HEARING re: Community Facilities District No. 11, Annexation No. 4, Tract No. 5338
Jan.	31 -	10:30 A.M.	HEARING re: Plan Amendment Application No. A-04-37, Rezone Appl. No. R-04-112, and CUP Application No. C-04-341, filed by Sol Development Associates on behalf of Derrel's Mini Storage
Jan.	31 -	2:30 P.M.	HEARING re: Plan Amendment Application No. A-05-02, Rezone Application No. R-05-26, filed by David Paynter
Feb.	14 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 111, Tract No. 5356
Feb.	21 -	NO MEETING – PRESIDENT'S DAY	
Mar.	7 -	10:00 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Mar.	21 -	NO MEETING – COUNCIL BREAK	

(Future workshops – dates to be determined)

WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004